

Exhibit D

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

HOBART CORPORATION, <i>et al.</i> ,)	CASE NO. 3:10-CV-195
)	
Plaintiffs,)	JUDGE WALTER HERBERT RICE
)	
vs.)	
)	
WASTE MANAGEMENT OF OHIO, INC.,)	PLAINTIFFS' ANSWERS TO
<i>et al.</i> ,)	DEFENDANT CARGILL,
)	INCORPORATED'S FIRST SET OF
Defendants.)	INTERROGATORIES
)	

Plaintiffs Hobart Corporation, Kelsey-Hayes Company, and NCR Corporation (“Plaintiffs”), provide the following objections and responses to Defendant Cargill, Incorporated’s (“Cargill’s”) First Set of Interrogatories:

GENERAL OBJECTIONS

1. Plaintiffs object to any and all Interrogatories to the extent that they call for the identification or disclosure of any information or documents that are protected by the attorney-client privilege, the work product doctrine, or any other applicable protection or claim of privilege.
2. Plaintiffs object to any and all Interrogatories insofar as they attempt to impose obligations beyond those required by the Federal Rules of Civil Procedure.
3. Plaintiffs object to any and all Interrogatories to the extent that they are unduly burdensome and overly broad.

Exhibit D

4. Plaintiffs object to any and all Interrogatories to the extent that they seek information that is neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence.

5. Plaintiffs object to any and all Interrogatories to the extent that they purport to require Plaintiffs to produce information held by third parties or that is otherwise outside Plaintiffs' possession, custody or control.

6. Plaintiffs object to any and all Interrogatories to the extent that they call for the reproduction of confidential and proprietary business information without the parties' agreement as to a reasonable confidentiality agreement and/or protective order.

7. Plaintiffs reserve the right to supplement, clarify, revise or correct any of its responses in the event that Plaintiffs develop additional information through discovery or other pretrial preparation.

8. Plaintiffs incorporate each of these general objections into each response below and all responses below are made subject to and without waiver of these objections.

9. Plaintiffs object to the instructions set forth by Cargill to the extent they seek to alter or expand the duties imposed on Plaintiffs under the Federal Rules of Civil Procedure. In responding to these interrogatories, Plaintiffs will comply with the applicable requirements of the Federal Rules of Civil Procedure.

Exhibit D

INTERROGATORIES

1. Identify with specificity each and every specific waste and waste stream that you contend was generated by Cargill and disposed of at the Site, and for each such waste or waste stream:

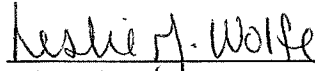
- a. Identify the facility or facilities that you contend generated the waste or waste stream;
- b. Specify the date(s) or range of dates that you contend the waste or waste stream was disposed of at the Site;
- c. Identify the entity or entities which you contend transported the waste or waste stream to the Site from the facility at which it was generated;
- d. Identify or describe the type of conveyance and, if applicable, the container (e.g., garbage truck, roll-off carrier, dump truck) which you contend was used to transport the waste or waste stream to the Site from the facility at which it was generated;
- e. Specify the quantity of the waste or waste stream that you contend was disposed of on the Site, by time period;
- f. Identify each of the hazardous substance(s) you contend were "included" in the waste or waste stream, and the proportion of concentration of the waste or waste stream that consisted of each of the hazardous substance(s);
- g. Identify every document you considered or relied upon in forming or supporting your contention(s) that a waste or waste stream generated by Cargill was disposed of at the Site and that the waste or waste stream contained hazardous substances, including, but not limited to interview notes and records (whether or not a claim of privilege or work produce is made); and
- h. Identify every person that you believe or contend has knowledge that a waste or a waste stream was generated by Cargill and disposed of at the Site.

ANSWER:

Pursuant to Federal Rule of Civil Procedure 33(d), Plaintiffs incorporate by reference the documents that have been produced to Cargill, Inc. to date, including but not limited to the documents identified in Plaintiffs' response to Cargill, Inc.'s Request for Production No. 1. Plaintiffs further respond that discovery regarding the responsibility and activities attributed to each of the Defendants is ongoing.

Exhibit D

Respectfully submitted,



Michael A. Cyphert, Esq. (0007086) – Trial Attorney

Leslie G. Wolfe, Esq. (0072838)

WALTER & HAVERFIELD LLP

The Tower at Erieview

1301 East Ninth Street, Suite 3500

Cleveland, Ohio 44114

Phone: (216) 781-1212

Email: mcyphert@walterhav.com

lwolfe@walterhav.com

Attorneys for Plaintiffs

Exhibit D

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served via email and regular U.S. mail this 22nd day of April, 2011 upon Jack Allen Van Kley and Christopher Allen Walker, Van Kley and Walker, LLC, 132 Northwoods Blvd., Suite C-1, Columbus, OH 43235 (jvankley@vankleywalker.com, cwalker@vankleywalker.com) and Mark D. Erzen, Mark D. Erzen, P.C., 321 North Clark Street, Fifth Floor, Chicago, Illinois 60654-4769 (mark.erzen@erzenlaw.com), counsel for Defendant Cargill, Inc., and via email only upon the following:

Vicki J. Wright
Krieg DeVault
One Indiana Square, Suite 2800
Indianapolis, IN 46204-2079
vwright@kdlegal.com

Counsel for Defendant Pharmacia Corp. f/k/a Monsanto Company f/k/a Monsanto Research Company

John Paul Brody
William H. Harbeck
Kegler Brown Hill & Ritter
65 E. State Street, Suite 1800
Columbus, OH 43215
jbrody@keglerbrown.com

William H. Harbeck
Quarles & Brady LLP
411 East Wisconsin Ave., Suite 2040
Milwaukee, WI 53202
william.harbeck@quarles.com

Counsel for Defendant Waste Management of Ohio

Frank L. Merrill
Drew H. Campbell
Anthony M. Sharett

Exhibit D

Bricker & Eckler
100 S. Third Street
Columbus, OH 43215
fmerrill@bricker.com
dcampbell@bricker.com
asharett@bricker.com

Counsel for Dayton Power and Light Company

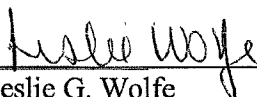
Martin H. Lewis
Tucker Ellis & West LLP
1150 Huntington Building
925 Euclid Avenue
Cleveland, OH 44115
mlewis@tuckerellis.com

Counsel for Valley Asphalt Corporation

David T. Moss
Hanna Campbell & Powell
3737 Embassy Parkway
Akron, OH 44333
Dmoss@hcplaw.net

William Wick
Wactor and Wick, LLP
Suite 950
100 Grand Ave.
Oakland, CA 94612
bwick@ww-envlaw.com

Counsel for Bridgestone Firestone Inc.



Leslie G. Wolfe
One of the attorneys for the Plaintiffs